

**REMARKS**

In section 2 of the Office Action, claim 8 is rejected under 35 USC 102(b) as being anticipated by Chen et al. (US Patent No. 6,305,062). This rejection is respectfully traversed.

Chen et al. fails to disclose, teach, or suggest, *inter alia*, the following limitations recited by claim 8 of the present application:

"providing a punching apparatus having a base, a first plate, and a second plate with a plurality of punches"; and

"providing the CMP machine having a shaft and a detachable top ring disposed on the shaft, wherein the top ring is provided with a plurality of air holes, a detachable guide ring, and a replaceable backing-film, and the backing-film is disposed between the base and the first plate and pre-drilled by the punches of the second plate to produce a plurality of holes that correspond to the air holes".

Chen et al. discloses a preventive maintenance method capable of enhancing the efficiency during a preventive maintenance procedure by allegedly simplifying the procedure. The novel features in this reference are that the backing-film is pre-drilled by laser in order to bypass the restriction set by the conventional manual drilling process on the backing-film. Moreover, the preventive maintenance apparatus for the backing-film has an aligning panel having a plural first pins in order to quickly check whether drilled holes of the backing-film are aligned with the corresponding air holes or not. These two novel features are entirely different from what are

taught in the present application.

Claim 8 recites, in part, "punching apparatus having a base, a first plate, and a second plate with a plurality of punches". Chen et al. nowhere discloses this feature. In fact, the apparatus in Chen et al. is designed to **bypass** the "conventional manual drilling process". Thus, Chen et al. **teaches away** from using punches and having the backing-film "**pre-drilled by the punches** of the second plate to produce a plurality of holes that correspond to the air holes", as recited by claim 8 of the present application.

MPEP 2131 states that a "claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," quoting *Verdegaal Bros v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Since Chen et al. fails to disclose or suggest the above-quoted feature of claim 8, the Applicants respectfully submit that claim 8 is patentable over Chen et al., at least for this reason. Claims 9-10 are patentable, at least by virtue of their dependency from claim 8. Moreover, claims 9-10 recites the details of the structure of the first plate and the base of the punching apparatus, which are clearly not disclosed or suggested in the cited reference.

The Applicants have attempted to address all of the issues raised by the Examiner in the Office Action as the Applicants understand them. The Applicants believe that the application is now in condition for allowance. If any point requires further explanation, the Examiner is invited to telephone Troy Cai at (323) 934-2300 or e-mail Troy Cai at tcgai@ladasparry.com.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account No. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

Enclosed please find a copy of Troy Guangyu Cai's Notice of Limited Recognition under 35 CFR 10.9(b) to prepare and prosecute patent applications wherein the patent applicant is a client of Ladas & Parry, and the attorney of record in the applications is a registered practitioner who is a member of Ladas & Parry.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 4, 2004

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Respectfully submitted,

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